

**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

October 25, 2004

MEMBERS PRESENT: Emery Zahner, Geri Kupecky, Mort Heidari, Cliff Aucter, Robert Hoffman (arrived 7:20), and Alternates James Prichard (arrived 7:05) and Arlo Hoffman

MEMBERS ABSENT: Lori Spielman and Alternate Ronald Small

STAFF PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:00 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS:

Ernie Boothroyd, Hare Road, suggested the PZC consider requiring fire ponds and/or dry hydrants in subdivisions where public water is not available.

Brian Mills, 18 Ladd Road, inquired about a statement on the Town web site and was informed that it was a general statement, not in reference to a statute.

III. PUBLIC HEARINGS:

1. #S200408 – Denise Rodrigue for a 5-lot resubdivision on property located on Ridge Drive, APN 066-005-0000 in an AA Zone.

TIME: 7:05 pm

SEATED: C. Aucter, A. Hoffman, M. Heidari, J. Prichard

John Limberger came forward for the applicant. They are only looking for re-approval.

Mr. Davis explained that this was necessary due to the applicant's failure to record the mylars in the appropriate timeframe.

MOVED (HEIDARI), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200408 – DENISE RODRIGUE.

MOVED (HEIDARI), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #S200408– DENISE RODRIGUE AS PRESENTED.

2. #S200410 – Christopher E. & DeAnn C. Yanaros for a 7-lot subdivision on property located at 27 Ladd Road, APN 131-001-0000 in a RA Zone.

TIME: 7:20 pm

SEATED: A. Hoffman, C. Aucter, B. Hoffman, M. Heidari, J. Prichard

Attorney Peter Evans appeared on behalf of the applicant and noted receipt of the Town Attorney's "opinion," agreeing with the position that the Town cannot require an applicant to improve a public street as a condition of subdivision approval. The Planner confirmed that the Town has no intention or plans to improve Ladd Road.

Galen Semperbon, professional engineer for the applicant, noted that the Town Engineer also agreed that from a technical standpoint, sidewalk installation would be difficult and noted they would need to be in the public right of way, not on private land. The applicant agreed in principle to a dollar contribution (fee in-lieu) of sidewalks. It was suggested that the Town Engineer provide an estimate for consideration.

Attorney Meg Rattigan, in opposition on behalf of Brian Mills, reiterated the claim that the issues go beyond sidewalks, and that the proposal fails to comply in a number of respects. She also noted that no comments have been received from the Fire Department.

Residents submitted verbal testimony both objecting and in support.

A. Hoffman suggested that the commission and applicant consider a compromise whereby in exchange for not requiring a walk, the applicant would agree to voluntarily improve Ladd Road.

The Planner suggested that the sidewalk "analysis" stand alone, and was not favorable to a quid pro quo, absent a legal opinion. He also noted that the zoning was an implicit statement that the infrastructure was sufficient for development under that zoning. The Planner also noted that comments from staff regarding the proposed development in Tolland were not directly applicable to this application.

The applicant agreed to an extension to the November 22, 2004 meeting.

MOVED (HEIDARI), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE TO THE NOVEMBER 22, 2004 MEETING #S200410 – CHRISTOPHER E. & DEANN C. YANAROS. (EXTENSION GRANTED BY APPLICANT)

3. #Z200431 – Dover Corp. for a zone change to MF/Mutli-Family on property located at 35 Windermere Ave, APN 011-013-0000 in an IP Zone.

TIME: 8:20 pm

SEATED: C. Aucter, G. Kupecky, E. Zahner, M. Heidari, J. Prichard, A. Hoffman, B. Hoffman

MOVED (AUCTER), SECONDED (KUPECKY) TO CONTINUE THE PUBLIC HEARING TO THE NOVEMBER 22, 2004 MEETING PER APPLICANT'S REQUEST.

IV. UNFINISHED BUSINESS

1. #S200407—Gingras Development, LLC for a 20-lot subdivision on properties located at Crane Road, APN 060-002-0000 & 060-004-0000 in an A-Zone.

AT THE PLANNER'S SUGGESTION, THE COMMISSION TABLED THIS ITEM TO THE NOVEMBER 22, 2004 MEETING.

2. Santini Homes request for CGS – 8-24 Review regarding acceptance of Gasek Farms phase I and bond reduction.

MOVED (AUCTER), SECONDED (HEIDARI), AND PASSED UNANIMOUSLY TO APPROVE CGS – 8-24 AND PHASE I BOND REDUCTION, SUBJECT TO COMPLIANCE WITH THE TOWN ENGINEERS RECOMMENDATIONS.

3. Santini Homes request for a bond reduction for Ellridge Place II.

MOVED (AUCTER), SECONDED (HEIDARI), AND PASSED UNANIMOUSLY TO APPROVE BOND REDUCTION, SUBJECT TO COMPLIANCE WITH THE TOWN ENGINEERS RECOMMENDATIONS.

4. Review of the Carriage Crossing Subdivision in Tolland.

The commission reviewed the plan and took comments from the developer and a Tolland resident.

BY CONSENSUS OF THE COMMISSION DIRECTED THE TOWN PLANNER TO DRAFT A LETTER TO TOLLAND EXPRESSING THEIR CONCERNS REGARDING LADD ROAD, AND THEIR DESIRE TO POTENTIALLY CLOSE LADD ROAD AT THE TOWN LINE.

VI. NEW BUSINESS

1. #Z200440 - CT Ave Associates request for modified site plan approval to permit phased development on property located at 7 Nutmeg Drive, APN 017-022-0006.

TIME: 8:20 pm

SEATED: C. Aucter, G. Kupecky, E. Zahner, M. Heidari, J. Prichard, A. Hoffman, B. Hoffman

Guy Burns presented the phasing plan. The Phase I parking area would be gravel on a temporary basis. The Commission suggested additional plantings to screen the dumpster areas. The Planner cautioned the owner to make certain available parking by phase would be sufficient for potential uses. Stormwater facilities will be completed with Phase I. The Planner suggested an as-built prior to the issuance of the Certificate of Zoning Compliance, as well as a bond for the pavement.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z200440 – CT AVE ASSOCIATES.

CONDITIONS:

1. **AS-BUILT TO BE PROVIDED TO THE PLANNING OFFICE FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE.**
2. **BOND FOR PHASE I TO BE PROVIDED PRIOR TO ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE, AMOUNT TO BE DETERMINED BY TOWN ENGINEER, AND FORM TO BE APPROVED BY TOWN ATTORNEY.**
3. **ARBORVITAE TO BE PLANTED AS SCREENING FOR ALL DUMPSTERS.**

THE COMMISSION NOTED RECEIPT OF THE FOLLOWING APPLICATIONS:

2. #Z200438 – Nikal Holdings, LLC for site plan modification for construction of a 20'x38' addition with associated gravel parking areas and drainage facilities on property located at 25 Pinney Street, APN 009-047-0000 in an I Zone. **(RECIEPT ONLY)**
3. #Z200437 – Great Country Garages for a zone change from RA/Rural Agricultural & PC/Planned Commercial to PC/Planned Commercial on property located at 210 West Road, APN 037-002-0000. **(RECIEPT ONLY)**
4. #Z200439 – Bestech, Inc. for site plan approval for construction of a 78'x90' building with associated gravel parking areas, curb cut and drainage facilities on property located at 8 Nutmeg Drive, APN 017-022-0004, in an I Zone. **(RECIEPT ONLY)**

The applicant requested approval of a footing and foundation permit prior to review and approval of the site plan. The Planner strongly objected to this and the PZC agreed with the Planner that this was not possible.

5. #Z200436 – Dzen Brothers, Inc. for site plan approval and special permit for construction of 8,928 square feet green house with associated gravel parking areas, second curb cut and drainage facilities on property located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000, 009-042-0000 in a PC Zone. **(RECIEPT ONLY)**
6. #S200412 – Jolyn II, LLC for a 22 lot subdivision on property located at Ellsworth Lane & Benjamin Drive, APN 118-004-0000, 101-005-0000 in an RA Zone. **(RECIEPT ONLY)**
7. Rachel Wheeler-Rossow request for two 90-day extension to file subdivision mylars for #S200402.

MOVED (B. HOFFMAN), SECONDED (M. HEIDARI) AND PASSED UNANIMOUSLY TO GRANT TWO 90-DAY EXTENSIONS, FOR RECORDING THE MYLARS ON THE LAND RECORDS FOR RACHEL WHEELER-ROSSOW #S200402.

8. Thompson Family Land Trust request restoration bond reduction Sadds Mill Road, (APN #136-001-0000).

MOVED (KUPECKY), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE THOMPSON FAMILY LAND TRUST RESTORATION BOND REDUCTION SUBJECT TO COMPLIANCE WITH THE TOWN ENGINEERS RECOMMENDATION.

9. Request for Final Approval for Crystal Ridge, Phase II.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO GRANT FINAL APPROVAL FOR CRYSTAL RIDGE ESTATES, PHASE II, IN ACCORDANCE WITH JIM THOMPSON'S LETTER DATED 10/22/04.

V. ADMINISTRATIVE BUSINESS:

1. Capital Improvement Budget Requests.

BY CONSENSUS, THE AGENCY DETERMINED THEY HAVE NO REQUESTS FOR FISCAL YEAR 04 – 05.

2. Set 2005 Meeting Schedule.

BY CONSENSUS, 2005 SCHEDULE APPROVED.

3. Approval of Meeting Minutes:

- a. September 27, 2004 meeting minutes.

MOVED (HEIDARI), SECONDED (AUCTER) AND PASSED (ABSTAINED: E. ZAHNER) UNANIMOUSLY TO APPROVE THE SEPTEMBER 27, 2004 MEETING MINUTES.

- b. October 5, 2004 special meeting minutes.

MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED (ABSTAINED: G. KUPECKY) TO APPROVE THE OCTOBER 5, 2004 SPECIAL MEETING MINUTES.

- c. October 12, 2004 special meeting minutes.

MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED (ABSTAINED: G. KUPECKY & M. HEIDARI) UNANIMOUSLY TO APPROVE THE OCTOBER 12, 2004 SPECIAL MEETING MINUTES.

4. Correspondence:

- a. Memo to Board of Selectman from Inland Wetlands Agency dated, 9/28/04.
- b. Memo to Zoning Board of Appeals from Matt Davis, dated 9/28/04.
- c. Letter to Joe Willis from Matt Davis, dated 9/30/04.
- d. Memo to Matt Davis & Peter Williams from First Selectman, dated 9/22/04.
- e. Memo to Matt Davis from Dennis Milanovich, dated 9/22/04.
- f. Letter to Steve Spencer from Matt Davis, dated 9/30/04.
- g. CRCOG's first quarterly issue of "Building Livable Communities".
- h. Memo to EDC and Dennis Milanovich dated, 10/04/04.
- i. Memo to Dennis Milanovich from Shawn Costello, dated 9/27/04.
- j. Memo to EDC and Dennis Milanovich dated, 10/04/04.
- k. Memo to Ken LaForge, Chairman of Design Review Board from Richard Cleary, Chairman of Economic Development Commission dated, 10/19/04.

VII. ADJOURNMENT:

MOVED (B. HOFFMAN) SECONDED (M. HEIDARI) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:30 PM.

Respectfully Submitted,

Kristin C. Michaud
Recording Secretary